



March 21, 2023

Hon. Jennifer L. Rochon  
United States District Court  
Southern District of New York  
40 Foley Square  
New York, NY 10007  
**VIA ECF ONLY**

Re: *Coker v. Goldberg & Associates P.C. et al*; 1:21-cv-01803 -JLR  
**MOTION FOR DISCOVERY DISPUTE CONFERENCE**

Your Honor:


We represent the Plaintiff in the above-referenced single plaintiff New York Labor Law and Fair Labor Standards Act action submit this Motion for a Discovery Dispute Conference in accordance with SDNY Local Civil Rule 37.2 and Your Honor's Individual Rule E.

**Conferral Efforts.**

We have attempted to confer with defense counsel about this matter (by phone and email) but have not had any substantive responses. Attached are the relevant emails, to which I had no response at all. (Ex. 1, emails). Earlier today I first tried calling attorney Louis Lombardi, with whom I have had the most contact in this case. I made contact with him; he indicated he thought his boss (Bryce Jones) was going to respond. I asked him to do what he could to get with Mr. Jones about getting back to me today. Then, I called Jones Law Firm, and asked for Bryce. The individual answering indicated Bryce was in court. I relayed the stance and asked him to please get back to me by end of day on this. He said he would relay the message. I have not heard anything.

**Substance**

The list of what we are seeking is contained in the attached emails. During the deposition of the Defendants that finally, after multiple delays, went forward on March 6, 2023, several categories of documents and information were identified that required production. We do not yet have the transcript but it will show that Defendant Goldberg admitted that she had done nothing to prepare for the 30(b)(6) topics that had been provided to her (several times) and to which no objections were ever received; many of the pieces of information still being sought are contained in that notice. (Ex. 2, list of 30b6 topics) She also indicated verbally that she would produce the requested within 10 days of the deposition. That did not happen.

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**Request.**

We currently have a pretrial conference set in this case for Monday, April 10, 2023 at 11:00am. We ask that the Court compel the Defendants to produce all requested information by March 30 or thereabouts, to give us time to review what they have produced (if anything) in advance of the conference. We do not think an additional interim conference is needed, but we do ask that to the extent any of the information has not been produced by that time, that the Court strongly consider, given the history of this case, whether sanctions might be in order. To the extent it would be useful for the Plaintiff to make submissions regarding any perceived remaining discovery deficiencies in advance of the conference, we ask for that deadline to be Thursday March 6.

Sincerely,



Penn Dodson, Esq.

[penn@andersondodson.com](mailto:penn@andersondodson.com)